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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/025,555 | 12/26/2001 | Eiji Teraue | Q67820 | 8332 |

7590 04/19/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

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| EXAMINER |
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EBRAHIMI DEHKORDY, SAEID

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| ART UNIT | PAPER NUMBER |
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2625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/19/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/025,555

Applicant(s)

TERAUE, EIJI

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-8 and 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 1/30/07 have been fully considered but they are not persuasive. Applicant mainly argues that Loui et al fails to disclose the data editing section which performs layout processing, Examiner disagrees and point out the "albuming algorithm" which would act as the editing section to arrange or rearrange the layout of the images cited on page 5, paragraph 0052) and where the user is given a chance to change these algorithmic through the preference section (page 4 paragraph 0042, also Examiner notes page 5, paragraph 0053, lines 13-17, where, when the algorithmic is not accepted by the user could override the automatic layout decision which is the act of editing the layout).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Loui et al (Pub. No.: US 20030072486)

Regarding claim 1, 5 and 9 Loui et al disclose: An image data output apparatus (note Fig. 1, paragraph 19) comprises: a data obtaining section (note Fig. 1 item 34) for sequentially obtaining a plurality of image data representative of a plurality of images (note Fig. 1 item 34, page 2

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paragraph 0021 lines 8-14) a data editing section (page 4 paragraph 0042, also Examiner notes page 5, paragraph 0053, lines 13-17, where, when the algorithmic is not accepted by the user could override the automatic layout decision which is the act of editing the layout). for performing a layout processing that images represented by the image data sequentially obtained by said data obtaining section are disposed in order of obtaining of the image data by a number permitted in arrangement as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets (note page 4 paragraph 0043, where the smallest page is chosen to layout maximum images which could fit on that page size) and editing image data representative of images disposed by the number permitted in arrangement as many as possible on the maximum size of one sheet onto image data representative of whole images to be recorded on the one sheet (note again page 4 paragraph 0043) a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section (note Fig.3, page 5 paragraph 0051, specifically pages 10-16) and a data output section for outputting the image data edited by said data editing section together with data representative of a size of a sheet onto which the whole images represented by the image data are recorded (note page 6, paragraph 0059).

Allowable Subject Matter

4. Claims 2-4, 6-8 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

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(571) 273-8300, (for *formal* communications; please mark
"EXPEDITED PROCEDURE")

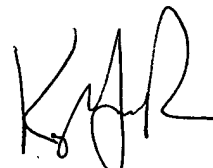
Or:

(703) 306-5406 (for *informal* or *draft* communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street,
Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to
the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2625
April 10, 2007



KING Y. POON
PRIMARY EXAMINER